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RICHMOND, VA., WEDNESDAY, DECEMBER 15, 1909.

THE WEATHER TO-DAY—Fair.

PRICE TWO CENTS

## READY TO BUILD TO WASHINGTON

Richmond & Chesapeake  
Bay Will Begin Work  
January 1.

## NEW LINE TO PASS FREDERICKSBURG

Engineer Already Engaged, So  
That Construction May Begin  
Immediately After the Holi-  
days—Charter Provides  
Right to Take One of  
Several Routes.

An order will be entered by the State Corporation Commission to-day allowing amendments to the present charter of the Richmond and Chesapeake Bay Railway Company under which it will be granted the right to build a railroad, to be operated by any kind of motive power, from the intersection of its present terminus at Ashland to Alexandria, thereby furnishing a new route between Richmond and Washington, or else to a point on the Potomac River, in Stafford or King George counties.

The charter was presented to the commission yesterday afternoon by Henry W. Anderson, counsel for the Richmond and Chesapeake Bay Railway Company, who returned to Richmond Monday night from New York, with the amended document duly signed by officers of the corporation. Mr. Anderson said that the route to be followed would more than probably be that to Alexandria, via Manassas, and it is asserted that both of the proposed lines may at some time be constructed. The meeting of the board of directors authorizing the charter amendments was held in New York November 22.

### Start Work in January.

Engineer Reid, who had charge of the corps which surveyed the present route between Richmond and Ashland, will direct the new work, and will be in the field by January 1. A meeting of the stockholders of the company was held in this city December 6, at which all the stock was represented in person or by proxy, when the action of the board of directors was approved.

The amended charter provides for an extension from Ashland through Caroline, Spotsylvania, Stafford, Fauquier, Prince William, Fairfax, Alexandria and Loudoun counties, embracing the cities of Fredericksburg and Alexandria, and covers about 115 miles. The less circuitous route goes through Caroline, Spotsylvania, King George and Stafford counties, and terminates on the Potomac River, about eight miles from Washington, and does not reach Washington.

Made Possible by Repeal.  
After a hard fight, a bill was passed by the Virginia General Assembly at its session of 1908 repealing the act providing for law which prohibited the building of any railroad which would parallel the Richmond, Fredericksburg and Potomac from Richmond to Washington. This repeal was a legal victory for the company, and much argument was deduced from the position that Virginia should not be in the position of discouraging private capital when it came to possible extension of the Potomac and York river, and encouraged the building of other roads under similar circumstances where it was not interested.

Time and again the argument was before the Legislature only to be deferred. Despite all the arguments advanced for repeal the act was not passed without a struggle. Mingled with the argument of the subject were threats of a repeal of the charter of the company, and all bitterness passed away before the end of the session.

## AVIATORS IN LEGAL BATTLE

Wright Brothers Claim That Curtiss Has Infringed on Their Patents.  
BUFFALO, N. Y., December 14.—There of the world's most famous aviators—the Wright brothers and Glenn H. Curtiss, of the Herring-Curtiss Company—joined in a legal battle here to-day. The proceedings, which came before Judge Hazel, in the United States Court, were in a suit brought by the Wrights to restrain Curtiss and his associates from manufacturing and selling aeroplanes, on the ground that in all essential details Curtiss is infringing on the patents of the Wrights. Arguments had not been completed when court adjourned until to-morrow.

Attorney H. A. Toulmin, of Springfield, O., representing the Wright brothers, argued for three hours to show that the Wrights had solved the problem of balancing a machine in the air, and that Curtiss copied these devices. It was also claimed that the Wrights themselves had admitted that the inclined or curved plane and the forward and rear attachments were old, that while the Wrights had solved the balancing problem, Curtiss had adopted an entirely different plan to maintain equilibrium. He also claimed that the Wrights had infringed never had been patented.

He contended that an automatic device to maintain the curve was still the great desideratum in the aeroplane. Washington-Sunset Route to California, tourist sleeping car, four times weekly without change. Personally conducted. North, \$1.00. See 10, Main St.

## ZELAYA'S CAPITAL IS IN OPEN REVOLT

Country in Ferment and  
His Downfall Demanded.

## MASSACRE FEARED AS A PARTING SHOT

For First Time in Sixteen Years  
Malcontents Take Streets of  
Managua Without Interfer-  
ence From Police—Driven  
to Frenzy by Reports  
of Battle.

MANAGUA, December 14.—The people of Managua are in a ferment against Zelaya, without check from the police. They are crowding the streets and giving vent to unrestrained denunciation of the administration. Shouts of "Long live liberty!" "Long live the United States!" "Long live Mexico!" "Long live Estrada!" are heard on every side.

The street demonstrations began last night, following denunciatory speeches in Congress, and the temper of the people was made evident by the report that a battle had been fought and won by Vasquez, commander of the Zelayan forces around Rama, and that Vasquez had massacred a large number of revolutionists. With this report came the additional rumor that Vasquez had violated the armistice, and it was not considered likely that he would do so unless under instructions from Zelaya. These reports lost nothing in passing from mouth to mouth. As the Mexican minister was the guarantor of the armistice, it is stated that the official will ask for his passports unless satisfactory explanations are made.

### Country in Ferment.

The whole country is in a ferment. Zelaya is denounced on every hand, but he is master of the situation, and the people fear a wholesale execution of political prisoners as a parting shot. The prisons are full of men, most of whom are in a half-starved condition, and doubtless would welcome death.

The people openly demand American intervention, and vigilantes have been organized to prevent the escape of the President.

A serious danger threatens for the American concessionaire of the electric lighting declares that he will put the whole city in darkness if money due to a large amount is not paid before noon to-morrow. This bill amounts to 100,000 pesos, and it is hardly likely that the demand will be met.

The American vice-consul, Henry Caldera, has stuck to his post and conducted the business of his office under conditions of considerable danger.

It is stated that President Zelaya promised to publish to-day the announcement of his resignation from the Presidency. For the first time in sixteen years a street meeting of malcontents has been permitted without police interference. This is the first time since the revolution that the anti-Zelaya feeling is so strong that the government does not dare to attempt to suppress it.

The climax was reached last night, when the government attempted to put through Congress a bill conceding to the revolutionists the right to elect a new government, and the revolutionists, in response, threw stones at the building.

News of what transpired in Congress spread rapidly, and the crowd of malcontents grew to the strength of an army.

The rioters gathered in front of the Mexican legation and called upon the Mexican minister to resign for a speech. The diplomat asked to be excused.

Rostran attempted a conciliatory speech, and was booed for his pains. Occasionally there was a cry of "Long live liberty!"

In a fiery speech, Hildebrando Castellon predicted a new era of liberty, and his auditors shouted approval.

Castellon made a speech which was a bitter attack upon Zelaya. The speaker said that the government of the United States had intended to interpose its power on the subject of its preparations for war in the face of its protestations of peaceful intentions. But he had insisted on the assurance that a formal declaration by President Zelaya, resigning from the presidency, would be published to-morrow.

While these speeches were being made and the crowd was as noisy as it could be, the police made no show of interference. Later Dr. Madrid arrived in the city, and his advent was the signal for a demonstration that made the earlier outbreak appear temperate in comparison. The crowd had become emboldened because of the non-interference of the police. The denunciations of the present regime were voiced, apparently without thought of a possible consequence. In the midst of the cheering, a shout of "Viva Mexico!" "Long live the United States!" "The handwriting is on the wall!"

Cordoba was released recently from the penitentiary.

Following the demonstrations at Cordoba's hotel, the crowd moved to the home of Henry Caldera, the United States vice-consul. Here they cried "Long live liberty!" "Long live the United States!"

## ORGANIZED LABOR HAS DECLARED WAR

It Will Fight to the  
Death With U. S.  
Steel.

## BATTLE DECREE IS REMARKABLE

In Resolution, Forwarded to Taft,  
High-Handed Crimes of  
Giant Trust Against the  
Toilers Are Bitterly De-  
nounced and Redress  
Demanded.

PITTSBURGH, Pa., December 14.—War was formally declared upon the United States Steel Corporation by the leaders of organized labor throughout the United States at the close of a momentous two days' conference to-day. The decision to battle, long and hard, against the stand taken by the Steel Corporation in its policy of "open shop" was reached by the labor conference only after hours of debate and a deal of trouble.

At the conference which passed the remarkable battle decree, Samuel Compers, president of the American Federation of Labor, presided. The grievances of organized labor against the Steel Corporation as set forth in the resolution have been forwarded to President Taft and the United States Senate and House of Representatives. The Governors of the States in which the Steel Corporation owns plants or has interests will also receive copies of the resolution.

### Labor's Grievance.

The resolution in part follows: "A crisis in the affairs of labor has arisen. The gigantic trust, the United States Steel Corporation, is using its great wealth and power in an effort to rob the toilers of their right of American manhood and of the opportunity to resist its further encroachments. Grown rich by the consent of the people of our country, this corporation, in its mad greed for still greater riches, sweeps aside, makes and unmakes law, its enactors and executors, and is now engaged in an effort to destroy the only factor—the organizations of its employees—standing between it and unlimited, unchecked and unbridled industrial, political, social and moral carnage. It exists as a terrible power in our time and life to check the absolute autocratic domination of civic, industrial and political life of our people and our republic. It must be found and its power broken, and the mission of the much misunderstood and misrepresented organizations of labor."

"The United States Steel Corporation has declared war on labor. In its secret councils this corporation has determined that the only way to complete away—organized labor—shall be crushed. The labor organizations consist of its employees, the workers, their wives and little ones—human flesh and blood. It is by their labor that they live, and it is by their labor that they safeguard their lives, their character, their future, the safety of the republic and humanity."

"These factors now confront each other. By their purposes, attitude and actions they are engaged in a battle."

### Hostility Proclaimed.

"On June 1, 1909, the United States Steel Corporation proclaimed its decree of hostility toward labor. The right of the workers to associate with their common workers and to organize to be recognized or tolerated. And accompanying that decree was a notice of a further reduction in the already scant wages of the workers. The decree went into effect July 1, 1909."

"We therefore urge and recommend that in all places where mills are located the Central Labor organization appoint special committees with instructions to co-operate in this work. For education of the workers and to make that this manifesto be made a special order in all Central Labor organizations at the first meeting in January, 1910."

"We recommend that the executive council of the A. F. of L. issue a circular to all unions of America, an appeal for financial contributions to aid the striking iron steel and tinplate workers further recommend that the amount of such contribution should not be less than ten (10) cents per member."

"In view of the great wrongs perpetrated by the United States Steel Corporation, not only against the workers, but the public generally, we recommend that a committee be appointed by this conference to wait upon the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and such other members of each house of Congress as may be deemed advisable for the purpose of presenting to them the grievances from which labor suffers at the hands of this corporation."

"At the instance of the United States Steel Corporation, the officers of local, municipal and State governments have unwarrantably tyrannized over citizens, invading the constitutionally guaranteed right of free assembly and free speech."

"We therefore recommend that a committee be appointed by this conference to wait upon the Governors of States and such other official representatives of counties and municipalities as are in control where the United States Steel Corporation has plants, for the purpose of presenting to these officials the great wrongs inflicted upon the people of these communities, and that the committee demand an investigation and where charges are substantiated by evidence, the officers responsible therefor be removed."

(Continued on Page Eleven.)

## COLLECTOR'S ACTS JUSTIFY HIS REMOVAL FROM OFFICE

Investigating Commit-  
tee Reports Cunn-  
ingham Violated Law.

## HANDS TIED BY HIS RE-ELECTION

Majority Fails to Recommend  
Dismissal, Contending That It  
Would Operate Only to End  
of Year—Report Sent  
Back by Board of  
Aldermen.

### Opinion by Majority

We, the undersigned, in view of the above findings, are of the opinion that the Collector deserves to be removed, but as we are informed that such removal would not prevent his taking charge of the office January 1, 1910, he being elected for a new term beginning that day, it is our opinion that it would be better to leave him in office as above, as the city could not be benefited by his removal for the balance of his present term of office, which expires January 1, 1910, but, to the contrary, might suffer from the lack of attention to its collections, which at this particular season are very heavy, and the office force has all the work that it can perform receiving the semi-annual taxes due during the month of December.

JAMES A. MONROE,  
JACOB UMLAUT,  
E. H. FERGUSON.

WHILE three of the five members of the Cunningham investigating committee reported to the Board of Aldermen last night that the Collector deserved to be removed from office, the committee as a whole made no recommendation. Its report with the accompanying papers was recommended by the Board, with instructions to the committee to report by a proper ordinance or resolution, which might either be accepted or rejected. The entire committee signed a statement of the facts adduced from the evidence, to the effect that the Collector did not report the taxes due in June until the following August; that he had admitted having held back \$2,000 from April to September, and that he cashed time checks for certain friends out of public funds.

### Money Held Back.

The report further shows that certain license checks, paid in April, were not turned over to the city until September, several days after the special accountant began his examination of the books of the office, and that during all the time the Collector was making sworn statements weekly to the City Auditor of the correctness of his settlements. It was reported that the Collector had suffered a loss, and that he cashed time checks for certain friends out of public funds.

In conclusion the committee made no recommendation whatever as to the Collector, but presented for adoption an ordinance amending the system of assessing and collecting license taxes.

### Says He Deserves Removal.

Chairman Monroe and Messrs. Umlaut and Ferguson signed a supplementary statement, which Alderman Gilman and Councilman Fuller declined to sign, to the effect that the Collector deserved to be removed, but that, since he has already been re-elected for a new term, beginning January 1, and since a change now might result in confusion in the office, no action is recommended. No blame is attached to those for whom the Collector was accustomed to cash time checks or make loans.

Immediately on the reading of the report President Wood ruled that the committee should have reported by an ordinance or a resolution, under the rules of the Council, citing the famous controversy between the Finance Committee and Councilman Fuller over a precedent. Mr. Powers moved that the entire report, with accompanying papers, be recommended, that a proper ordinance or resolution might be drawn, that there might be something to recommend to the Council to accept or reject. Mr. Reynolds was disposed to appeal from the decision of the chair, on the ground that the committee had reported an ordinance covering one part of the charge it was proposed to investigate, and no action was recommended on the other part—namely, regarding the Collector.

The chair was sustained, however, and the report and all accompanying papers recommended.

Chairman Monroe has called the committee to meet at noon to-morrow to consider the question of a further report.

### Text of Report.

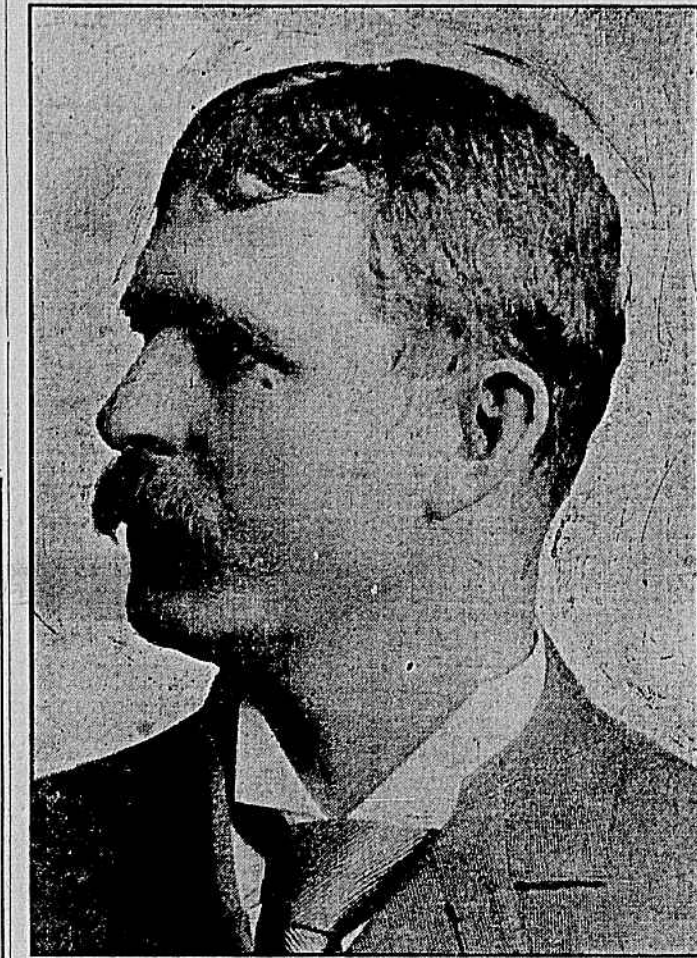
The full text of the committee's report, as submitted last night, follows: Hon. Board of Aldermen, City of Richmond:

Gentlemen.—The special joint committee appointed under a joint resolution approved November 18, 1909, to investigate the charges against the Collector of the City of Richmond, and to report thereon, has the honor to submit the following as the result of its investigation.

The committee having heard the testimony under oath of the special accountant and of the City Collector, as well as of Messrs. William H. Smith, C. O. Saville, H. R. Pollard, Jr., Walter Christian, O. A. Hawkins, John J. Christfield, J. M. Bacon and John H. Mayor, find the following facts from the evidence:

1. The Collector did not report a list of license tax delinquents to the Police Justice until August 1, 1909, although the ordinance requires him to do so on or before the 1st of June in each year.

(Continued on Page Eleven.)



FRANK W. CUNNINGHAM.

## FINALLY AGREE ON BATTLE ABBEY SITE

Aldermen Concur in Selection  
Approved by Common  
Council.

## CHEMIST ORDINANCE LOST

Gunst and Marks Resign From  
Board—Zimmermann and  
Atkinson Elected.

With unexpected unanimity, the Board of Aldermen last night concurred in fixing the Battle Abbey site. There was only one dissenting vote, and no debate over the agreement with the Council in directing the condemnation proceedings of the triangular lot at Monument Avenue, Franklin and Cleveland Streets.

The ordinance providing for the office of a city chemist was rejected and later reconsidered and tabled. The board concurred in the appropriation of \$5,000 additional for the municipal electric plant, in directing legal proceedings against Edward Alvey for recovery for the value of oats believed to have been stolen from the city; in providing for the opening, grading and graveling of Tilden Street; in providing for a special committee to meet representatives of other municipal bodies, for conference as to changes in the State laws governing cities; in providing for the use of ornamental lamps for street lighting, and in an enormous docket of other matters of more or less general interest.

Two members, Messrs. Marx Gunst, of Monroe Ward, and G. A. Marks, of Madison, resigned, and were succeeded by William H. Zimmermann and Harvey E. Atkinson.

Would Continue Smooth Paying.  
The only new resolution presented on the roll call was one instructing the Finance Committee to include in the next annual budget \$5,000 to continue the smooth paving of Monument Avenue west from Allison Street. It was referred to the Committee on Finance.

The Street Committee reported for the second time recommending proceedings against Edward Alvey for recovery of the amount alleged to be due through false weights in grain. After the Council had adopted the report the Board of Aldermen recommended it, Mr. Elliott proposing that the matter be compromised. The Street Committee, however, was in no humor for a compromise, and returned the paper, which was last night concurred in without objection.

Later they came to the United States and after living together for two years the wife left her husband in St. Louis and came to Norfolk. After being there a short while her husband discovered that she was not his wife, and after much persuasion she returned to him and their children, with whom she has since lived. The charge against the husband is that of importing the woman into the United States, and the wife is charged with having aided him in the same. The case was heard by Judge Waddill, who found the husband guilty, and the wife was committed to the custody of the immigration inspector.

Chemist Ordinance Rejected.  
Mr. Powers spoke for the measure, illustrating the need of a chemist by the troubles of the Light Department in purchasing coal for the Gas Works. Colonel Grundy was of the opinion that by the advice of a capable chemist the by-products of the Gas Works alone could be made to pay the whole cost of the office. Mr. Elliott said the city was now paying \$1,500 a year for chemical tests of content; that the Police and Fire Departments need analyses; and that there should be a man to look after the city's interests, not merely respond to calls. The proposition was rejected.

### What Court Ruled.

Judge Waddill's ruling briefly was that the Sprung woman originally was properly admitted to this country; that she was the wife of an American citizen, and was not, by reason of her recent trips with her husband upon passport issued to them as husband and wife, subject to deportation under the laws of the United States.

(Continued on Page Eleven.)

## GRANTS APPEAL IN WHITE SLAVE CASE

Immigrants Were First Dis-  
missed on Habeas Corpus  
Proceedings.

## GOVERNMENT TO FIGHT IT

Married Woman to Be Deported,  
If Case Goes Against Her in  
Higher Court.

Judge Waddill yesterday morning allowed to the United States an appeal in the three habeas corpus cases arising under the immigration act, commonly designated as the "white slave traffic."

Sadie M. Sprung, Rebecca Bloom and Abraham Bloom, with his two infant children, were arrested by the Immigration Inspection at Norfolk, and after an investigation by him, ordered deported. They sued out writs of habeas corpus, which were granted, and heard by Judge Waddill in the United States District Court, on June 14, 15 and 16, at Norfolk.

Witnesses were examined for both the government and the prisoners, and the conclusion of which Judge Waddill discharged the petitioners from arrest. To this action, the government has just prayed for and secured an appeal to the Circuit Court of Appeals for this circuit.

### First Worked as Milliner.

In the Sprung case, it developed that the woman first came to this country about ten years ago, and engaged in the trade of a milliner; that after several years she led an improper life, and that she subsequently married an American citizen of foreign birth, and with him went to her home in Europe to have an operation performed.

She came to this country with her husband, and later returned with him to this country, where they have lived together ever since, more recently in Norfolk. The Immigration Inspector arrested her there as an alien who was excluded from admission into the United States.

In the Bloom case, the evidence showed that the parties about eight years ago contracted a common law marriage, and lived together as husband and wife in England, and later in Cape Town and Johannesburg, in South Africa, where the two infant children, now sought to be deported with their father, were born, as appeared by certificates produced from official registers.

Later they came to the United States and after living together for two years the wife left her husband in St. Louis and came to Norfolk. After being there a short while her husband discovered that she was not his wife, and after much persuasion she returned to him and their children, with whom she has since lived. The charge against the husband is that of importing the woman into the United States, and the wife is charged with having aided him in the same. The case was heard by Judge Waddill, who found the husband guilty, and the wife was committed to the custody of the immigration inspector.

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(Continued on Page Eleven.)

## JURY ACQUITS CONWAY ON ITS FIRST BALLOT

Slayer of Torrence Set  
Free on Plea of  
Self-Defense.

## FRIENDS RUSH TO SHAKE HIS HAND

Verdict Created Little Surprise,  
But Orders From Judge Witt  
Prevented Demonstration in  
Courtroom—One Juror's  
Smile Gave Hope to  
Prisoner.

JAMES R. CONWAY, who shot and killed Robert E. Torrence on the afternoon of October 18 last, was acquitted in the Hastings Court at 7:08 o'clock last night. The case went to the jury at 6:55 o'clock. Only one vote was taken.

With the concluding words of Commonwealth's Attorney Minter Folkes and the closing of the case, Conway's face whitened a little, and he sat motionless in his chair as the jury filed by to decide whether he should die for his act, be imprisoned, or allowed his freedom. Apparently, the jury had made up its mind before the members made up their minds. It was out on thirteen minutes when the knock for admittance into the courtroom sounded.

### Smile Spoke Freedom.

"There must be no demonstration of any kind," said Judge Witt to the waiting crowd, which he had been forced to call to order several times. "Admit the jury."

The twelve men came in slowly, for a passage had to be made for them through the crowd, and took their seats. One looked at Conway and smiled. He knew then what the verdict would be. A sigh of relief escaped his lips, and he relaxed from the tense position he had held during the thirteen minutes. Silence reigned throughout the courtroom, and every man present heard Chief Walter Christian's question as he asked, "Gentlemen of the jury, have you reached a verdict?"

"We," replied Foreman E. F. Lyons, reading the decision clearly. Conway was a free man, and in a moment he was shaking a hundred hands. There was no vocal demonstration, but there was much exhibition of feeling. Conway could hardly restrain himself from the grasp of his friends to shake hands with the attorneys who had defended him. Both Mr. Smith and Mr. Wendenburg congratulated him on regaining his liberty, and then the prisoner of a moment ago shook hands with his father.

The crowd was too thick for him to find ready access, and he climbed over the bar, behind which he had sat daily for a week, and in a moment he was out in the street, a free man, but pretty well dispossessed, it is said, of all his property.

### Plea of Self-Defense.

Conway was acquitted on the plea of self-defense, the decision upon which the plea was based showed that he had not entered into any improper relations with Mrs. Torrence; that he believed Torrence to be a man who went equally armed; that he believed, after Torrence had called him out of his saloon, which Conway thought was an opportunity for explanation, that Torrence was about to follow up the threats which had been communicated to Conway, and that he, the latter, fired, as he believed, to save his own life.

The prosecution endeavored to show that Torrence was right in seeking an explanation from Conway, and that, owing to his small size and his contention that he did not throw his hand behind his back, and in a moment he was out in the street, a free man, but pretty well dispossessed, it is said, of all his property.

The instructions, which were delivered when court convened in the morning, were probably more voluminous than any that have been given to a jury in the Hastings Court. The court instructed the jury that one man is not justified in attacking another whom he suspects of undue familiarity with his wife, and that if Conway believed his life was in danger at the hands of Torrence, and that he fired to protect his own life, the president must be considered innocent. The jury was instructed also that if he believed Torrence provoked a quarrel, struck Conway, and then threw his hand back at him with his pocket as if he were about to draw a weapon, then the shooting was justifiable. The burden of self-defense must, the court instructed, be upon the accused. It took Judge Witt twenty-five minutes to read the instructions.

### Fulton's Argument.

When the session began at 11 o'clock the courtroom was crowded from front to rear, the doors were blocked, and the aisles were massed with people, who stood all day long rather than miss a word that was spoken. Minter J. Folkes, assisting Commonwealth's Attorney Folkes, opened for the prosecution. He characterized it as no ordinary criminal case, but as one which had its origin in misdeeds and vice, and which ended in murder. He said that in such matters the content of the woman did not constitute a defense for the man or palliate his offense, and upon this ground he argued that Torrence had a perfect right to go to Conway for an explanation, believing, as he did, that Conway was responsible.

Mr. Fulton roundly scored Folkes for the part he took in the drama of vice and murder, nor did he forget to pay his respects to the two women who, he alleged, had led up to the crime. He discredited much of the evidence concerning the communicated threats of Torrence to Conway, and said that the position of the defense

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